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OFFICE OF GENERAL PRESIDENT ● (202) 429-9100

June 6, 2002

Docket Management Facility
U.S. Department of Transportation
Room PL- 410
400 Seventh Street, SW
Washington, D.C. 20590

Re: FHWA Docket No. FHWA-2001-11130, 22
(23 CFR Part 630)

This correspondence is in response to your February 6, 2002 Federal Register notice requesting comments on improvements to its regulation to better address work zone mobility and safety concerns (23 CFR Part 630) – Work Zone Safety.

The International Union of Operating Engineers (IUOE) is a labor Organization representing approximately 400,000 Members in the United States and Canada. A number of our members work as heavy equipment operators in highway, bridge and street construction and maintenance. The IUOE is committed to providing a safe environment for our members and all highway workers at work, where they earn a fair living for themselves and their families and are able to return home at the end of their workday without injuries or fatalities.

The IUOE's comments on FHWA's Advance Notice of Proposed Rulemaking (ANPRM) will follow the question and answer format as in the Federal Register Notice of Wednesday, February 6, 2002.

The IUOE will provide comments to the questions that it feels will impact the safety of its members and all highway workers.

1. Should there be a National policy to promote improved mobility and safety in highway construction and maintenance? If so, should the National policy be incorporated into the regulation or issued separately as guidance that outlines guidelines and best practices for implementation?

IUOE Response:

Yes there should be a national policy on Highway work zone safety; FHWA should provide the leadership to develop that policy. FHWA should coordinate with other affected federal agencies such as the Occupational Safety & Health Administration (OSHA) and the National Institute for Occupational Safety & Health (NIOSH) on this policy. The IUOE further recommends, this policy be placed, as much as possible, in a single source such as the Manual on Uniform Traffic Control Devices (MUTCD) so the policy can be easily available to all stakeholders to the industry including, but not limited to;

- *Federal state and local agencies,*
- *Contractors and subcontractors,*
- *Workers and their representatives,*
- *The public.*

2. Are the current provisions of 23 CFR 630, subpart J adequate to meet the mobility and safety challenges of road construction and maintenance projects encountered at all stages of project evolution? If they are not adequate, what are the provisions and/or sections that need to be enhanced and/or modified to ensure mobility and safety in and around work zones?

IUOE Response:
The current regulations do not meet the needs for workzone – worker safety. Information such as that contained in Department of Health and Human Services (DHHS) – Center for Disease Control (CDC) – National Institute for Occupational Safety and Health (NIOSH) Publication No. 2001-128 "Building Safer Highway Work Zones:" need to be incorporated. In addition regulations and recommendations that reflect industry best practices should be included. Training of workers and key personnel in areas such as: traffic control, work zone design and maintenance, traffic flow, vehicle – equipment safety, job site hazards – flagger training and working at night.

3. Should work zone regulations be stratified to reflect varying levels and durations of risk to road users and workers, and disruptions to traffic? What would be the most appropriate stratification factors (e.g., duration, length, lanes affected, Average Daily Traffic (ADT), road classification, expected capacity reduction, potential impacts on local network and businesses)?

IUOE Response:
Yes, safety requirements should be based on the type and complexity of the work (interstate vs. rural roads vs. city streets), the duration of the project (might impact the type barriers used), area weather conditions (ice, snow vs. rain), time of day (daylight vs. dark), roadway accident – hazard history. In addition to all other stratification factor examples mentioned in your question #3.

4. Currently, there are several definitions for work zone, as defined by the MUTCD, ANSI D16 (proposed), NCUTLO and NHTSA. These definitions, even though similar in basic structure and

implication, differ in length and the degree of detail addressed. Should there be a common National definition for work zone to bring about uniformity? If so, what should the common National definition be?

IUOE Response:
Yes, there should be a common definition. The challenge is defining a work zone that best serves all interested parties;

Public safety (pedestrians and motorist)
Worker safety
Contractors
Contracting agencies

The IUOE recommends defining the work zone should be done jointly by stakeholders in the industry. It further recommends the resulting definition and any related items be placed in the MUTCD.

8. How can the FHWA encourage agencies to incorporate the above considerations (life-cycle cost analysis, alternative project scheduling and design strategies, etc.) in the decisionmaking process for evaluating alternative project designs? What are the most appropriate ways to include these considerations in project design?

IUOE Response:
Bid specifications should require that contractors summit work zone design and related safety information. Contractors should be prequalified to verify they have an existing worker safety program that includes worker and manager training.

10. Given the fact that utility delays have been cited as roadblocks to efficient project delivery, what should be done to address this issue?

IUOE Response:
The IUOE endorses any enhancement of motorist, pedestrian and worker safety. Utility companies should be involved in the overall TCP. The utility companies should be involved from preplanning through completion for the TCP covering their phase of the project.

11. The current regulation specifies the requirement for TCP's for work zones, but does not address the issues of sustained traffic management and operations, or traffic enforcement methods and partnerships. Should the scope of TCPs be expanded to include such considerations? What are the most relevant practices or technologies that should be considered in planning for traffic management, enforcement and operations? What are the most appropriate ways to facilitate the inclusion of such considerations in traffic control planning?

IUOE Response:
The scope of the TCP should be expended to include any item that will

enhance worker and public safety.

20. Are the currently used measures for safety (typically, crashes, fatalities and injuries) appropriate to analyze work zone performance? If not, what other measures should be considered? Are current mechanisms for collecting this information adequate? If not, how can we improve them?

IUOE Response
Separate statistics should be maintained for crashes, injury and fatalities as it relates to:

1. Workers
2. Pedestrian
3. Motorist

Other relevant factors such as time of day, weather and road condition should be considered.

These statistics will allow local and state DOTs along with FHWA to better analyze work zone safety and make necessary safety modifications. With the long-term goal being, better work zone design and improved safety for workers and the public.

Should you have any questions concerning these comments please direct them to Emmett Russell, IUOE Director of Safety and Health. He may be reached at (202) 429-9100.

Fraternally yours,

Frank Hanley

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General President

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